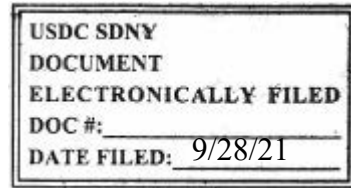


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Samsung Electronics America, Inc.,

Plaintiff,

–v–

Vintage Tech LLC,

Defendant.

20-cv-10771 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Plaintiff Samsung Electronics America, Inc. filed this action on December 21, 2020, seeking declaratory relief, indemnification, and damages for breach of contract against Defendant Vintage Tech LLC pursuant to two Master Services Agreements between the two parties that govern Vintage Tech’s recycling of consumer electronic products on behalf of Samsung. Compl. ¶¶ 1–2, Dkt. No. 2. On January 26, 2021, Vintage Tech moved the Court to transfer this case to the U.S. District Court for the Southern District of Ohio where a settlement that included Vintage Tech was pending approval. Def. Br. at 1, Dkt. No. 9-4; *see Garrison Southfield Park LLC v. Closed Loop Refining and Recovery, Inc.*, 2:17-cv-00783-EAS (S.D. Ohio December 22, 2020), Dkt. No. 669; *Olymbec USA LLC v. Closed Loop Refining and Recovery, Inc.*, 2:19-cv-01041-EAS (S.D. Ohio December 23, 2020), Dkt. No. 534. Both Vintage Tech and Samsung understood that the settlement, if approved, would “extinguish [Samsung’s] contract claims” at the center of this case. Pl. Br. at 3, Dkt. No. 31; Def. Br. at 2–3. In addition to its motion to transfer filed to this Court, Vintage Tech filed a motion in the Southern District of Ohio to “enjoin Samsung from proceeding” with its case before this Court.

*Garrison Southfield Park LLC v. Closed Loop Refining and Recovery, Inc.*, 2:17-cv-00783-EAS (S.D. Ohio January 21, 2021), Dkt. No. 708.

In preparing the resolution of Vintage Tech’s motion to transfer, the Court ascertained from the docket that the U.S. District Court for the Southern District of Ohio issued an Opinion & Order dated September 27, 2021, that approved the settlement agreement “on the understanding that the contribution bar does not extend to claims for express breach of contract and contractual indemnification.” *Garrison Southfield Park LLC v. Closed Loop Refining and Recovery, Inc.*, 2:17-cv-00783-EAS (S.D. Ohio September 27, 2021), Dkt. No. 787 at 29; *see also id.* at 26 (stating that it would “exceed the bounds of substantive fairness [to] extinguish[ ] Vintage Tech’s contractual obligations to non-settling Defendants,” including Samsung). The court additionally denied Vintage Tech’s motion to enjoin Samsung from proceeding in this case. *Id.* at 30.

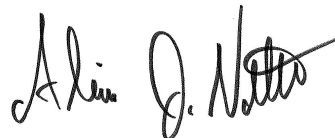
The Court therefore DENIES Vintage Tech’s motion to transfer, with leave to refile if any argument for the motion survived the Southern District of Ohio’s Order. Dkt. No. 9.

The Court additionally GRANTS Samsung’s motion for leave to file a replacement Exhibit A. Dkt. No. 35.

This resolves docket numbers 9 and 35.

SO ORDERED.

Dated: September 28, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN  
United States District Judge